

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

In the Office Action, Claims 2, 3, 8-13, and 18-20 have been withdrawn as being directed to a non-elected species, there being no allowable generic or linking claim. Claims 12 and 13 contain features illustrated in Figure 5 that are utilized in all of the disclosed embodiments, including the elected embodiment of Figure 3. Applicants believe the features of Claims 19 and 20, which are illustrated in Figure 5, may be used with each of the disclosed locking devices, including the Figure 3 embodiment. Thus, reconsideration and examination of Claims 12, 13, 19 and 20 is respectfully requested. Non-elected Claims 2, 3 and 8-11 have been cancelled. Non-elected Claims 18 and 31 have not been cancelled.

The objection to the drawings for not including reference characters listed in the description has been considered. Figures 1-5 have been amended to include the reference numerals present in the specification. Further, the specification has been amended, where necessary, to recite only reference numerals present in the amended drawings.

For example, reference numerals 23c and 23d have been added to Figures 3 and 4 to number the operating means. The rod end and corresponding reference numerals 13c, 13d have been added to Figures 3 and 4, respectively. Paragraph [0038] in the specification has been amended to delete the reference numeral 26c. Likewise, the reference to numerals 26a-26d has been deleted in paragraph [0043] of the specification. In paragraph [0048] the specification has been amended to recite end rod 13e and projection 17e in the description of Figure 5.

The objection to the drawings for not showing a "release device" or "a sensor" as recited in Claims 12 and 13 has been considered. Figure 5 has been amended to illustrate a sensor 42. The "release device" has been deleted from the claims. Therefore, withdrawal of the objection to the drawings as not showing every claimed feature is respectfully requested.

Approval of the amended drawings is respectfully requested.

The objections to the disclosure have been considered. Paragraphs [0004], [0012], [0014], and [0026] have been amended as suggested in the Office Action. Further, the substitute specification addresses other informalities and provides proper section headings.

At page 4 of the Office Action, the term "form-closed" has been objected to as being unclear. The specification has been amended to indicate that a "form-closed" manner prevents the end rod from being moved along the direction of a guide due to the projection. This arrangement is illustrated at least in Applicants' Figures 1 and 2 which have prongs providing a shape or form that closes the end rod therein. Thus, this term is believed definite with respect to the specification and the claims.

As to the objections to paragraphs [0028]-[0030], these paragraphs have been amended in view of the Examiner's suggestions or the drawings have been amended to provide the disclosed reference numerals.

The Office Action indicates that the phrase "longitudinal displaceability is provided by the operating means 23B" recited in paragraph [0033] is unclear. The paragraph has been amended to recite that the operating means 23B provides "linear displacement" rather than being longitudinally displaceable. This arrangement is clearly illustrated in Applicants' Figures 2 and 3.

Paragraphs [0041]-[0043] have been amended as suggested or to correspond to the amended drawing figures.

Paragraph [0048] has been amended to reference the sensor 42, which is now illustrated in Applicants' Figure 5. This feature is recited in Applicants' original Claim 12. Thus, no new matter has been added to the specification or drawings.

In view of the above comments, approval of the amended substitute specification is respectfully requested.

The Abstract has been amended to remove legal phraseology. Approval of the amended Abstract is respectfully requested.

The rejection of Claims 6, 7, 14-17, 21 and 22 under 35 USC §112, second paragraph as being indefinite has been considered.

The phrase "the formed-closed holding" or "form-closed holding action" has been indicated as being unclear. As discussed above, this phrase corresponds to the embodiments in Applicants' Figures 1 and 2, which show a pair of prongs providing a closed form to receive an end rod therein and to prevent movement of the rod in either of two directions along the guide.

Claims 6 and 7 have been combined with Claim 1 as new Claim 23, except the "form-closed" feature has been removed therefrom. Claim 18, however, continues to properly recite that the projection "in form-closed manner" holds the cover in both directions along the guide.

Claim 14 has been amended to indicate that the holding part is held "closed" in a holding position by the projection. This feature, unlike "form-closed" is illustrated in all of Applicants' Figures.

For the above reasons, withdrawal of the rejection of claims under 35 USC §112, second paragraph, as being indefinite is respectfully requested.

The rejection of Claims 1 and 4-6 under 35 USC §102(b) as being anticipated by Stiltner, U.S. Patent No. 6 030 019 has been considered. New independent Claim 23 includes the features of Claims 1, 6 and 7, except for the "form-closed holding action". Since the features of dependent Claim 7, which was not rejected based on Stiltner, are present in independent Claim 23, the rejection based on Stiltner does not apply to Claim 23.

Furthermore, Claim 23 recites "a spring for maintaining the projection in a holding position". Stiltner clearly does not disclose any spring for maintaining the projection. Thus, withdrawal of the rejection based on Stiltner is respectfully requested.

The rejection of Claims 1, 6, 7, 14-17, 21 and 22 as being unpatentable over Ament, U.S. Patent No. 6 402 217 in

view of Durrani, U.S. Patent No. 6 290 281 has been considered.

Ament discloses a roller blind 15 that has a rigid pole bar 25 with a peg 26 that receives a roller blind 17. The pole bar 25 is pulled to place the blind over a recess in the rear of a vehicle. Figures 12-14 show a first embodiment of a locking device 44 for locking the rigid pole bar in a closed position covering the recess. Figures 12-14 show an actuating cam 86 for locking the peg 26 in a receptacle groove 47. A spring 93 applies force to an extension 78. Figure 14 shows the peg 26 in a locked position as a different extension 76 enters a clearance when force actuated downward by a second spring 89 and a wire-like coupling link 92 to close and lock the peg therein. When a tail gate door is opened, the wire-like coupling link 92 opens the tail gate door 8 and the cam 86 moves to release the peg 26 automatically.

In the embodiment illustrated in Figures 16-18, a spring 102 biases the peg 26 in a locked position as illustrated in Figure 16. An actuating slide 115 and pivoting holder 107 are utilized to place the peg 26 in a locked or released condition.

The actuating means for the locking devices 44 of Ament are all mechanical arrangements that are operated by the physical force applied by a user. There is no disclosure, teaching, or suggestion of utilizing an electric powered motor or the like to operate the locking device.

Durrani discloses a power latch for an automotive vehicle convertible roof system. A worm gear drive has a worm gear segment 103 and a latch 113 with worm gear teeth 139 for pulling a striker 85 into a closed position shown in Figure 9 when actuated.

Durrani also relies on a cam plate 109 that rotates at 120 degree intervals when the latch 113 is rotated from the unlatched position to the fully latched position as set forth at column 4, lines 25-33. An arm 153 is mounted to the housing 111 in a spring biased manner and abuts against the cam plate 109 to prevent reverse rotation. Camming surfaces 173 are relied on to push the striker 85 out of the slot 143

of the latch when the latch is rotated from the fully latched position to the unlatched position. Therefore, the arm 153 only assists in pushing the striker 85 out of the slot as recited at column 4, lines 25-40 of Durrani.

Durrani does not disclose or suggest a spring for bringing about movement of a projection relative to a holding part or rod end and thus the latch is not self-locking. Instead, Durrani utilizes the motor drive to move the striker 85 into both the closed and opened positions.

There is no motivation, absent Applicants' specification, to provide the power latch of Durrani for the locked device of Ament. Durrani discloses powering the latch into a locked position and unlocked position. There is no disclosure or suggestion in Durrani of a spring for biasing the striker in a latched position.

Instead, the worm gear drive with the worm segment 103 and latch 113 in Durrani pull the striker 85 into a closed position. No spring is utilized for this feature. Thus, substitution of the powered apparatus of Durrani would not result in a latch mechanism for Ament that includes a spring. Therefore, one of ordinary skill would not have looked to the powered apparatus of Durrani to modify the device of Ament to obtain Applicants' claimed invention.

Finally, there is no motivation, absent Applicants' specification, to provide any type of power motor for the mechanical roller blind lock device of Ament. There is no disclosure or suggestion for the need to provide the powered latch of Durrani for a mechanical device.

Further, one would not look to the rotating power latch of Durrani to modify the cam type latch of Ament, since the latches have different structure and operate in a different way.

Applicants' Claim 23 recites the combination of a projection, a holding part, "a spring for maintaining the projection in a holding position to provide a holding action by applying a biasing force in the first direction" and "an operating device co-acting with said projection, said operating device including an electromotive drive with a gear

for providing relative movement of said projection from the holding position of said holding part in the second direction to a release position for releasing said holding part". As discussed above, Ament and Durrani do not singly or together disclose this combination of elements.

Dependent Claims 4, 5 and 14-17 are allowable for the reasons set forth above. Thus reconsideration and allowance of Claims 4, 5, 14-17 and 23 is respectfully requested.

Claims 24-31 have been added. Independent Claim 24 recites a locking device arrangement for locking and unlocking of an end rod used in a rear part of a motor vehicle. Claim 24 further recites "a projection for locking the end rod, said projection being movable in a first direction and in a second direction", "a spring for maintaining the projection in a holding position by applying a biasing force in the first direction" and "an operating device co-acting with said projection, said operating device including an electromotive drive with a gear arrangement for generating movement of said projection in the second direction to a release position away from the holding position". As discussed above, there is no motivation to combine Durrani with Ament to obtain the claimed combination of features. Therefore, allowance of Claim 24 is respectfully requested.

Dependent Claims 25-30 are allowable for the reasons set forth above with respect to Claim 24 and include additional patentable features. For example, Claim 26 recites "a toothed wheel connected to said counter wheel and a rack capable of linear motion in response to rotation of said toothed wheel". This structure is not disclosed or suggested by the applied prior art.

Claim 27 further recites that the spring is oriented "at one end against an end of said rack". This structure is not present in the applied prior art.

Applicants' Claim 30 recites a "spiral spring". This spring is not disclosed in the applied prior art.

Claim 31 recites that the projection comprises "a first prong and a second prong defining a cavity therebetween to

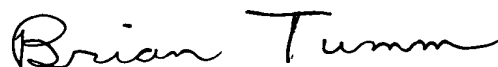
receive the end rod". Thus, Claim 31 is directed to the non-elected embodiment of Figure 2.

Independent Claim 32 recites a locking device arrangement including "a rack capable of linear motion in response to rotation of said toothed wheel". This structure is not disclosed or suggested by the applied prior art. As discussed above, the arrangement of Durrani discloses a cam rotating a latch. Ament utilizes a cam arrangement. Thus, there is no disclosure or suggestion in the applied prior art of utilizing a toothed wheel and a rack to provide linear motion to move a projection for locking the end rod. Therefore independent Claim 32 distinguishes the applied prior art.

Applicants note that the embodiment of Figure 3 was elected in the previous Office Action. Independent Claims 23 and 24 both recite the embodiment of Figure 3, but also are believed readable on the embodiments illustrated in Applicants' Figures 2 and 4. Thus, upon allowance of Claims 23 and 24, rejoinder and allowance of non-elected dependent Claims 12-13, 18-20 and 31 is respectfully requested.

Further and favorable reconsideration is respectfully solicited.

Respectfully submitted,



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Encl: Marked-up Substitute Specification
Clean Substitute Specification
Formal Drawings (3 sheets)
Marked-up Abstract
Postal Card

Amendments to the Drawings

In Figure 1, numbers 27, 28 and 34 have been renumbered 27a, 28a and 34a, respectively.

In Figure 2, number 116 has been renumbered 11b.

In Figure 3, reference numeral 23c has been added and the end rod 13c in the guide is now illustrated and numbered.

In Figure 4, the end rod 13d inside of the guide is now shown and numbered. The operating means 23d has been numbered.

In Figure 5, the sensor is illustrated by a box 42 labeled ---sensor---.